

In-use Off-road Diesel Vehicle Regulation Adopted (8/14/07)

At the July 26, 2007 Air Resources Board (Board or ARB) meeting, the Board unanimously voted to adopt the proposed in-use off-road diesel vehicle regulation, along with some additional modifications. The regulation will significantly reduce particulate matter (PM) and oxides of nitrogen (NOx) emissions from the nearly 180,000 existing off-road diesel vehicles in California by requiring fleet owners to accelerate turnover to cleaner engines and install exhaust retrofits. Implementation of the regulation is expected to prevent approximately 4,000 premature deaths through the year 2030.

The modifications to the regulation that were approved by the Board include:

- A new appeals process for fleets in the event that the Executive Officer denies a request for a safety exemption from the retrofit requirements;
- Removal of the three month grace period for out-of-state or new fleets that come to California;
- Requiring the issuance of a Certificate of Reported Compliance to fleets upon receipt by ARB of the required reporting data showing compliance with the regulation;
- PM retrofit credit for the retirement of Tier 0 vehicles such that equivalent emission reductions are achieved;
- Clarification of the appropriate tax exempt IRS code citations by adding reference to sections 501(c)(5), 501(c)(6), and 501(a);
- Restructuring the regulatory language so that the PM and NOx requirements are contained in separate sections; and
- The addition of new language creating a regional incentive based program (known as the SOON program) to achieve additional NOx reductions, including allowing any local air district the ability to opt in and allowing air districts to establish their own cost-effectiveness criteria in their guidelines.
- Other minor clarifications.

Finally, the Board asked staff to report back in early 2009, late 2010, early 2013, and early 2017 regarding implementation of the regulation.

Once staff has modified the proposed regulatory language to reflect these changes, staff will release revised regulatory language and other supporting documentation to the public for a 15-day public comment period. Staff expects that the notice, revised regulatory language, and supporting documentation for This 15-day public comment period will be available within the next month.

As staff begins outreach and education activities related to implementation of the in-use off-road diesel vehicle regulation, staff will post announcements and training materials to this email list-serve. We look forward to working with all interested parties to make implementation as smooth as possible and make the rule a success.

